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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. CONFIRMATION NO | |
|-----------------|-------------------------------------|----------------------|-------------------------------------|-------|
| 10/563,088 | 12/30/2005 | Takafumi Yoshimura | 396.45629X00 | 8126 |
| | 7590 09/17/200 TERRY, STOUT & KI | EXAMINER | | |
| | SEVENTEENTH STRI | CHO, JENNIFER Y | | |
| | VA 22209-3873 | ART UNIT | PAPER NUMBER | |
| | | | 1621 | |
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| | | MAIL DATE | DELIVERY MODE | |
| | | | 09/17/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | | |
|-----------------|------------------|--|--|
| 10/563,088 | YOSHIMURA ET AL. | | |
| | | | |
| Examiner | Art Unit | | |

| 5. Applicant's reply has overcome the following rejection(s): | | | DENTIN EN 1: ONO | 1021 | |
|--|--|---|--|--|--|
| 1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To acovid abandonment of this application, applicant must threly file one of the following reples: (1) an amendment, afficiative, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.114. The reply must be filed within one of the following time periods: a) ■ The period for reply expires 2 months from the mailing date of the final rejection. b) ■ The period for reply expires 3. months from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW. MONTHS OF THE FIRML REJECTION. See MPEP 706.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee hance been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hunder 37 CFR 1.17(a) is calculated from; (1) the expiration date of the shortened statutory period for reply originally set in the final diffice set from the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hunders of CFR 1.17(a) is calculated from; (1) the expiration date of the shortened statutory period for reply originally set in the final diffice set from the final fee with the final rejection, and the period of the final difficult of the final rejection or final the final fee final fee | - | -The MAILING DATE of this communication appe | ears on the cover sheet with the d | correspondence add | ress |
| application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 2 months from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Notic: If box is checked, check other box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW. Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date of the final rejection with the filed probability period for exploring the filed of the final rejection with the filed period of the filed within two months of the filed filed for filing the Notice of Appeal and for appeal and f | THE REPL | Y FILED <u>7/07/08</u> FAILS TO PLACE THIS APPLICA | TION IN CONDITION FOR ALLOW | ANCE. | |
| a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires on (1) the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Month 18 of THE FINAL RELECTION See MPEP 706 07 (f). Extensions of time may be obtained under 37 CFR 1.13(s). The date on which the petition under 37 CFR 1.13(s) and the appropriate extension fee have been filed is the date for purposes of determining the period of extensions and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extensions and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if the filed within two months of the date of filing the Notice of Appeal was filed on | applic applic for Co | cation, applicant must timely file one of the following cation in condition for allowance; (2) a Notice of Application (RCE) in compliance with 37 C | replies: (1) an amendment, affidavi eal (with appeal fee) in compliance | t, or other evidence, w with 37 CFR 41.31; or | hich places the (3) a Request |
| b) | | | of the final rejection. | | |
| MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the exprination date of the shortened statutory period for reply originally set in the final Office action; or (2) as et forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). Note: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). The structure of the proposed amendment (s): a) Will not be entered, or b) will be entered and an explanation of how the new or amended claim(s) | b) 🔲 T | he period for reply expires on: (1) the mailing date of this A | dvisory Action, or (2) the date set forth | | |
| have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 11/30 is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1-704(b). NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). A meanendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). By proposes of appeal, the proposed amendment(s): a) Will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDANT OR OTHER EVIDENCE By The affidavit or other evidence filed after a | N | ONTHS OF THE FINAL REJECTION. See MPEP 706.07 | f). | | |
| filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). MITH amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Mewly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) operated to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE B The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.13(d) (1). The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence is | have been fi under 37 CF set forth in (k may reduce | led is the date for purposes of determining the period of ex R 1.17(a) is calculated from: (1) the expiration date of the solonove, if checked. Any reply received by the Office later any earned patent term adjustment. See 37 CFR 1.704(b) | tension and the corresponding amount of shortened statutory period for reply origing than three months after the mailing dat | of the fee. The appropria nally set in the final Office | ate extension fee e action; or (2) as |
| 3. | filing Notic | the Notice of Appeal (37 CFR 41.37(a)), or any exte e of Appeal has been filed, any reply must be filed w | nsion thereof (37 CFR 41.37(e)), to | avoid dismissal of the | |
| (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): ☐ | 3. ⊠ The (a) ∑ | proposed amendment(s) filed after a final rejection, They raise new issues that would require further co | nsideration and/or search (see NOา | | cause |
| NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): | (c) _ | They are not deemed to place the application in befappeal; and/or | ter form for appeal by materially rec | | ne issues for |
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| Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: | _ | | | mpliant Amendment (| PTOL-324). |
| 7. | 6. New | ly proposed or amended claim(s) would be al | | timely filed amendmer | nt canceling the |
| Claim(s) rejected: 1-20. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The Examiner has carefully considered Applicant's arguments but has not found them to be persuasive, nor is the Examiner convinced that the Applicant has shown unexpected results. Applicant has put forth substantially the same arguments that the Examiner has responded to in a previous office action. | 7. Tor phow to The s | surposes of appeal, the proposed amendment(s): a) the new or amended claims would be rejected is prostatus of the claim(s) is (or will be) as follows: | ☑ will not be entered, or b) ☐ wil vided below or appended. | l be entered and an e | xplanation of |
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| 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The Examiner has carefully considered Applicant's arguments but has not found them to be persuasive, nor is the Examiner convinced that the Applicant has shown unexpected results. Applicant has put forth substantially the same arguments that the Examiner has responded to in a previous office action. | | | | | |
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| because: The Examiner has carefully considered Applicant's arguments but has not found them to be persuasive, nor is the Examiner convinced that the Applicant has shown unexpected results. Applicant has put forth substantially the same arguments that the Examiner has responded to in a previous office action. | | · · · · · · · · · · · · · · · · · · · | n of the status of the claims after er | ntry is below or attach | ed. |
| the Applicant has shown unexpected results. Applicant has put forth substantially the same arguments that the Examiner has responded to in a previous office action. | | | ered but does NOT place the applic | cation in condition for a | allowance |
| | the A | Applicant has shown unexpected results. Applicant has p | | | |
| 13. Other: | 12. 🔲 Note | e the attached Information Disclosure Statement(s). | (PTO/SB/08) Paper No(s) | | |

/Jafar Parsa/ Primary Examiner, Art Unit 1621

Continuation Sheet (PTOL-303) U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Application No.

Advisory Action Before the Filing of an Appeal Brief

Part of Paper No. 20080910

Continuation of 3. NOTE: The suggested amended claim 1 with the new limitations have not been examined in this case. This would require the examiner to further consider and possibly further search this claim.